

Proposed Amendments to the Constitution of Missouri and Statutory Proposition

To be submitted to the qualified voters of the State of Missouri at the General Election to be held on Tuesday, the 7th day of November, 2006.

CONSTITUTIONAL AMENDMENT 2
(Proposed by Initiative Petition)

Shall the Missouri Constitution be amended to allow and set limitations on stem cell research, therapies, and cures which will:

- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning;
- require expert medical review and annual reports on the nature and purpose of stem cell research;
- impose criminal and civil penalties for any violations and;
- prohibit state and local governments from preventing or discouraging lawful stem cell research, therapies and cures.

The proposed constitutional amendment would have an estimated annual impact on state and local governments of \$0-\$68.916.

NOTICE: You are advised that the proposed constitutional amendment may change, repeal, or modify by implication or may be construed by some persons to change, repeal or modify by implication, the following provisions of the Constitution of Missouri: Sections 1, 2, 10, 14, 21, 22, 23, 28, 36, 39, 40, 41, and 42 of Article III; Sections 1, 14, 36(a), 37, 37(a), 39, and 52 of Article IV; Sections 3, 5, 14, 17, 18, and 23, and subsection 17 of Section 27 of Article V; Sections 18(b), 18(c), 18(d), 18(k), 18(m), 9(a), 20, 31, 32(a), and 32(b) of Article VI; Section 9(a) of Article VII; Sections 1, 6, 11(a), 11(d), and 11(f) of Article X; and Section 3 of Article XII.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section is adopted by adding one new section to be known as section 38(d) of Article III to read as follows:

"Section 38(d). 1. This section shall be known as the "Missouri Stem Cell Research and Cures Initiative."

2. To ensure that Missouri patients have access to stem cell therapies and cures, that Missouri researchers can conduct stem cell research, and that all such research is conducted safely and ethically, any stem cell research permitted under any federal law may be conducted in Missouri, and any stem cell therapies and cures permitted under any federal law may be provided to patients in Missouri, and subject to the requirements of federal law and only the following additional limitations and requirements:

- (1) No person may cause or attempt to clone a human being.
- (2) No human blastocyst may be produced by fertilization solely for the purpose of stem cell research.
- (3) No stem cells may be taken from a human blastocyst more than four days after the cell division begins; provided, however, that time during which a blastocyst is frozen does not count against the four-day limit.
- (4) No person may, for valuable consideration, purchase or sell human blastocysts or eggs for stem cell research or stem cell therapies and cures.
- (5) Human blastocysts and eggs obtained for stem cell research or stem cell therapies and cures must have been donated with voluntary and informed consent, documented in writing.
- (6) Human embryonic stem cell research may be conducted only by persons that, within 180 days of the effective date of this section, or otherwise prior to commencement of such research, whichever is later, have:
- (a) provided oversight responsibility and approval authority for such research to an embryonic stem cell research oversight committee which shall include representatives of the public and medical and scientific experts;
- (b) adopted ethical standards for such research that comply with the requirements of this section; and
- (c) obtained a determination from an Institutional Review Board that the research complies with all applicable federal statutes and regulations that the Institutional Review Board is responsible for administering.

(7) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and federal laws, rules, regulations, and standards, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section or that this subdivision (7) to be conducted or provided, or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures.

3. Any person who knowingly and willfully violates in this section subdivision (1) of subsection 2 of this section commits a crime and shall be punished by imprisonment for a period of up to fifteen years or by the imposition of a fine of up to two hundred fifty thousand dollars, or by both. Any person who knowingly and willfully violates in this section subdivisions (2) or (3) of subsection 2 of this section commits a crime and shall be punished by imprisonment for a period of up to ten years or by the imposition of a fine of up to one hundred thousand dollars, or by both. A civil action may be brought against any person who knowingly and willfully violates in this state any of the subdivisions (1) through (6) of subsection 2 of this section, and the state in such action shall be entitled to a judgment recovering a civil penalty of up to fifty thousand dollars per violation, regardless of the amount of any financial profit derived from such violation, and/or enjoining any further such violation. The attorney general shall have the exclusive right to bring a civil action for such violation. Venue for such action shall be the county in which the alleged violation occurred.

4. Each institution, hospital, other entity, or other person conducting human embryonic stem cell research in the state shall (a) prepare an annual report stating the nature of the human embryonic stem cells used in, and the purpose of, the research conducted during the prior calendar year, and certifying compliance with subdivision (6) of subsection 2 of this section; and (b) no later than June 30 of the subsequent year, make such report available to the public and inform the Secretary of State how the public may obtain copies of or otherwise gain access to the report. The report shall not contain proprietary or confidential medical, scientific, or other information. Individuals conducting research at an institution, hospital, or other entity that prepares and makes available a report pursuant to this subsection 4 concerning such research shall not be required to make and available a separate report concerning that same research. A civil action may be brought against any institution, hospital, other entity, or other person that fails to prepare or make available the report or inform the Secretary of State how the public may obtain copies of or otherwise gain access to the report, and the state in such action shall be entitled as its sole remedy to an affirmative injunction requiring such institution, hospital, other entity, or other person to prepare and make available the report or inform the Secretary of State how the public may obtain or otherwise gain access to the report. The attorney general shall have the exclusive right to bring a civil action for such violation.

5. To ensure that no governmental body or official arbitrarily restricts funds designated for purposes other than stem cell research, stem cell therapies and cures as a means of withholding funds from stem cell research or stem cell therapies and cures, no state or local governmental body or official shall eliminate, reduce, deny, or withhold any public funds provided for the purpose to be provided to a person that (a) lawfully conducts stem cell research or provides stem cell therapies and cures, allows for such research or therapies and cures to be conducted or provided on its premises, or is otherwise associated with such research or therapies and cures; (b) receives or is eligible to receive such public funds for purposes other than such stem cell-related activities, on account of, or otherwise for the purpose of creating distinctions for any person to engage in or otherwise associate with, or preventing, restricting, obstructing, or discouraging, such stem cell-related activities.

6. As used in this section, the following terms have the following meanings:

(1) "Blastocyst" means a small mass of cells that results from cell division, caused either by fertilization or somatic cell nuclear transfer, that has not been implanted in a uterus.

(2) "Clone or attempt to clone a human being" means to implant in a uterus or attempt to implant in a uterus anything other than the product of fertilization of an egg of a human female by a sperm of a human male for the purpose of creating a human being that could result in the creation of a human fetus, or the birth of a human being.

(3) "Donated" means donated for use in connection either with scientific or medical research or with medical treatment.

(4) "Fertilization" means the process whereby an egg of a human female and the sperm of a human male form a zygote (i.e., fertilized egg).

(5) "Human embryonic stem cell research," also referred to as "early stem cell research," means any scientific or medical research involving human stem cells derived from in vitro fertilization blastocysts or from somatic cell nuclear transfer. For purposes of this section, human embryonic stem cell research does not include stem cell clinical trials.

(6) "In vitro fertilization" means fertilization of an egg with a sperm outside the body.

(7) "Institutional Review Board" means a specially constituted review board established and operating in accordance with federal law as set forth in 42 U.S.C. 289, 45 C.F.R. Part 46, and any other applicable federal statutes and regulations, as amended from time to time.

(8) "Permitted under federal law" means, as it relates to stem cell research and stem cell therapies and cures, any such research, therapies, and cures that are not prohibited under federal law from being conducted or provided, regardless of whether federal funds are made available for such activities.

(9) "Person" means any natural person, corporation, association, partnership, public or private institution, or other legal entity.

(10) "Private or confidential medical, scientific, or other information" means any private or confidential patient, medical, or personnel records or matters, including property or work product, whether publishable or not, and including but not limited to scientific or technological innovations in which an entity or person involved in the research has a proprietary interest, prepublication scientific working papers, research notes, or other documents accepted from disclosure under Chapter 610, RSMo, as amended from time to time.

(11) "Solely for the purpose of stem cell research" means producing human stem cells for use in fertilization exclusively for stem cell research, but does not include producing any number of human blastocysts for the purpose of treating human infertility.

(12) "Sperm" means mature spermatozoa or precursor cells such as spermatids and spermatocytes.

(13) "Stem cell" means a cell that can divide multiple times and give rise to specialized cells in the body, and includes but is not limited to embryonic stem cells, generally referred to as (i) adult stem cells that are found in some body tissues (including but not limited to adult stem cells derived from adult body tissues and from discarded umbilical cords and placentas), and (ii) embryonic stem cells, but does not include stem cells derived from in vitro fertilization blastocysts and from cell reprogramming techniques such as somatic cell nuclear transfer).

(14) "Stem cell clinical trials" means federally regulated clinical trials involving stem cells and human subjects designed to develop, or assess or test the efficacy or safety of, medical treatments.

(15) "Stem cell research" means any scientific or medical research involving stem cells. For purposes of this section, stem cell research does not include stem cell clinical trials.

(16) "Stem cell therapies and cures" means any medical treatment that involves the use of stem cells from the use of stem cells, and that is used to treat or cure any disease or injury. For purposes of this section, stem cell therapies and cures do include stem cell clinical trials.

(17) "Valuable consideration" means financial gain or advantage, but does not include reimbursement for reasonable costs incurred in connection with the removal, processing, disposal, preservation, quality control, storage, transfer, or donation of human eggs, sperm, or blastocysts, including lost wages of the donor. Valuable consideration also does not include the consideration paid to a donor of human eggs or sperm by a fertility clinic or other entity, as well as any other consideration expressly allowed by federal law.

7. The provisions of this section and of all state and local laws, regulations, rules, charters, ordinances, and other governmental actions shall be construed in favor of the conduct of stem cell research and the provision of stem cell therapies and cures. No state or local law, regulation, rule, charter, ordinance, or other governmental action (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by this section to be conducted or provided, or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures.

8. The provisions of this section are self-executing. All of the provisions of this section are severable. If any provision of this section is held to be unconstitutional, the remainder of the section shall be valid and enforceable, and the provisions of this section shall be deemed to be self-executing.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

STATE OF MISSOURI
Secretary of State

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 2, to be submitted to the qualified voters of the State of Missouri at the General Election to be held on the seventh day of November, 2006.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 25th day of August 2006.

ROBIN CARNAHAN
Secretary of State

CONSTITUTIONAL AMENDMENT 3
(Proposed by Initiative Petition)

Shall the Missouri Constitution be amended to create a Healthy Future Trust Fund which will:

- 1. be used to reduce and prevent tobacco use, to increase funding for healthcare access and available a report pursuant to this subsection 4 concerning such research and to cover administrative costs;
 - 2. be funded by a tax of four cents per cigarette and twenty percent on other tobacco products;
 - 3. be kept separate from general revenue and annually audited;
- Additional taxes of four cents per cigarette and twenty percent of the manufacturer's invoice price on other tobacco products shall be collected and deposited in the Healthy Future Trust Fund. The total amount of such taxes shall be \$351 - \$499 million annually for tobacco control programs, healthcare for low income Missourians, and payments for services provided to Missouri Medicaid beneficiaries and uninsured Missourians. Local government fiscal impact is unknown.

NOTICE: You are advised that the proposed constitutional amendment changes, repeals, or modifies by implication, or may be construed to change, repeal, modify by implication, the following provisions of the Constitution of Missouri: Section 1 of Article III, Sections 1, 36, 38(a), 39, 40, and 52 of Article III; Sections 1, 5, 12, 13, 15, 17, 22, 28, 36(a), 37, 37(a), 39, 48, and 51 of Article IV; Section 2(b) of Article V; Sections 1, 3, 16, 17, 18, 18(e), 19, 20, and 21 of Article X, and Sections 1, 2(a), and 2(b) of Article XII.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section is adopted by adding one new section to be known as section 37(b) of Article IV to read as follows:

Section 37(b). For the sole and exclusive purpose of providing additional moneys to be expended and used only for tobacco use education, prevention, and cessation programs and initiatives, and the improvement of health care access and treatment in both urban and rural areas of the state, on and after January 1, 2007, a tax equal to four cents per cigarette and twenty percent of the manufacturer's invoice price before discounts and other reductions shall be collected and deposited in the same manner and at the same time as the taxes imposed by law upon the sale of cigarettes and other tobacco products.

The tax imposed by this section shall be in addition to other taxes imposed by law on the sale of cigarettes and other tobacco products that have been collected and deposited in the same manner and at the same time as the taxes imposed by law upon the sale of cigarettes and other tobacco products.

2. As used in this section 37(b) of Article IV -

(a) "Cigarette" means an item manufactured of to-

bacco or any tobacco substitute, wrapped in paper or any substitute thereof, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled, or advertised as a cigarette.

"Manufacturer's invoice price" means the original net invoice price which a manufacturer sells other tobacco products to a distributor, wholesaler, or first seller in the state as shown by the manufacturer's and Cessation Account shall be appropriated for such programs.

"Other tobacco products" means cigarette papers, loose cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

"Cigar" means any roll for smoking, except cigarettes, made chiefly of tobacco or any tobacco substitute, and any other legal equivalent;

"Smokeless tobacco" means chewing tobacco, including, but not limited to, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry;

"Healthy Future Trust Fund" means the fund created by subsection 3 of this section;

"Tobacco Use Prevention, Education, and Cessation Account" means the account created by subsection 1(f) of this section;

"Health Care Access and Treatment Account" means the account created by subsection 3(2) of this section;

"Department of health and senior services" means the executive department established by chapter 192, RSMo, or any successor department or agency;

"Missouri Medicaid beneficiary" means an individual who receives medical assistance under the Missouri Medicaid program;

"Uninsured Missourian" means a Missouri resident and who is not enrolled in Medicare, Medicaid, or any other health insurance plan, or who does not have health coverage through any private insurer, employer-sponsored self-insured plan, government health care program such as Medicaid, Medicare, or similar federal or state program, or who is not a member of a health maintenance organization;

"Physician" means an individual with a valid and effective license to practice medicine and a valid and effective Missouri Medicaid participation agreement; and "public poverty guidelines" means the federal poverty guidelines established pursuant to 42 U.S.C. section 9902(2), as amended, or any successor federal poverty guidelines;

"Missouri Medicaid program" means the medical assistance program administered by the state of Missouri pursuant to Title XIX and Title XXI of the Social Security Act, as amended, and chapter 208, RSMo, and any successors to that program and shall include the State Children's Health Insurance Program and its successors;

"Medicare physician fee schedule" means the Medicare physician fee schedule established pursuant to Title XIX and Title XXI of the Social Security Act, as amended, and chapter 208, RSMo, and any successors to that program and shall include the State Children's Health Insurance Program and its successors;

"Safety net clinics" means those clinics with valid and effective Missouri Medicaid participation agreements that provide care to a substantial percentage of individuals who are uninsured, as determined by the department of social services rule. Safety net clinics shall include, but not be limited to, federally qualified health care centers, community mental health centers, public health clinics, medical school-based clinics, federal health centers, and other government or independent rural health clinics, and hospital-based clinics that provide primary and physician specialty care services to uninsured Missourians;

"Trauma center" means a face-to-face encounter between a safety net clinic patient and a physician, physician assistant, nurse practitioner, nurse-midwife, visiting nurse, or other appropriate health care provider, as determined by department of social services rule.

"Trauma centers" means hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as trauma centers by the department of health and senior services.

"Hospital emergency departments" means the emergency departments of hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as Level I trauma centers or an equivalent designation by the department of health and senior services.

"Level I trauma centers" means hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as Level I trauma centers or an equivalent designation by the department of health and senior services.

3. The Healthy Future Trust Fund is hereby created in the state treasury. The following accounts are hereby created within the Healthy Future Trust Fund:

- (1) Tobacco Use Prevention, Education, and Cessation Account; and
- (2) Health Care Access and Treatment Account.

4. Beginning January 1, 2007, the state treasurer within the department of social services shall place the Healthy Future Trust Fund all moneys collected as a result of the tax imposed by this section as said moneys are received. All of the moneys from the tax imposed by this section shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury and shall be credited to and placed only in the Healthy Future Trust Fund and the accounts created within the Healthy Future Trust Fund.

5. The Healthy Future Trust Fund shall be appropriated by this section shall be appropriated and used only for a purpose or an initiative which is authorized by this section and shall not be subject to the provisions of section 33.080, RSMo. The unexpended balances of such moneys shall remain in the Healthy Future Trust Fund and in the particular account in which the moneys are placed, and shall not be subject to the provisions of section 33.080, RSMo. All interest which accrues upon the moneys in any account within the Healthy Future Trust Fund shall be added to such account and shall not be credited to the general revenue fund. Except as otherwise provided in this section, generally applicable laws concerning use of public funds shall apply to the Healthy Future Trust Fund.

6. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

7. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

8. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

9. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

10. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

11. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

12. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

13. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

14. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

15. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

16. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

17. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

18. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

19. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

20. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

21. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

22. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

23. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

24. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

25. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

26. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

27. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

28. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

29. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

30. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

31. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

32. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

33. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

34. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

35. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

36. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

37. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

38. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

39. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

40. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

41. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

42. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

43. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

44. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

45. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

46. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

47. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

48. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

49. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

50. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

51. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

52. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

53. The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

54. The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law;

55. On a monthly basis, the director of the department of social services shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of such reduction shall be collected and deposited in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys collected;

56. The actual costs of collecting the tax imposed by

Fair Ballot Language

For the General Election held **November 7, 2006.**



Section 116.025. The secretary of state within twenty days of receiving a statewide ballot measure shall prepare and transmit to the attorney general fair ballot language statements that fairly and accurately explain what a vote for and what a vote against the measure represent. Each statement shall be posted in each polling place next to the sample ballot. Such fair ballot language statements shall be true and impartial statements of the effect of a vote for and against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. In addition, such fair ballot language shall include a statement as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax. Such fair ballot language statements may be challenged in accordance with section 116.190. The attorney general shall within ten days approve the legal content and form of the proposed statements.

Constitutional Amendment #2—Stem Cell

A “**yes**” vote will amend the Missouri Constitution to allow and set limitations on stem cell research, therapies, and cures which will:

- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning;
- require expert medical and public oversight and annual reports on the nature and purpose of any stem cell research;
- impose criminal and civil penalties for any violations; and
- prohibit state or local governments from preventing or discouraging lawful research, therapies and cures.

A “**no**” vote would not ensure that stem cell research permitted under federal law is allowed to be conducted in Missouri and that Missouri patients have access to stem cell therapies and cures permitted under federal law.

This measure will have no impact on taxes.

Constitutional Amendment #3—Tobacco Tax

A “**yes**” vote will amend the Missouri Constitution to create the Healthy Future Trust Fund. This Fund will be used to reduce and prevent tobacco use. The Fund also will be used to increase funding for healthcare access and treatment for eligible low-income Missourians and Medicaid recipients. In addition, it will pay for the cost of administering the fund.

Money for the Fund will be generated by a tax on tobacco products. The tax will be four cents per cigarette and twenty percent on other tobacco products.

This Fund will be maintained and kept separate from general revenue and it will be audited annually.

A “**no**” vote means a Healthy Future Trust Fund would not be created to reduce and prevent tobacco use or increase funding for healthcare access and treatment for eligible low-income Missourians and Medicaid recipients. And no additional tax would be imposed on tobacco products.

If passed, this measure will increase taxes on tobacco products.

Constitutional Amendment #6—SJR 26

A “**yes**” vote will amend the Missouri Constitution to include a tax exemption for real and personal property that is used or held exclusively for nonprofit purposes or activities of veterans’ organizations.

A “**no**” vote will not amend the Missouri Constitution to include a tax exemption for real and personal property that is used or held exclusively for nonprofit purposes or activities of veterans’ organizations.

The measure, if passed, and if an exemption from taxation is subsequently enacted, will decrease taxes on real and personal property used or held exclusively for nonprofit purposes or activities of veterans’ organizations.

Constitutional Amendment #7—HJR 55

A “**yes**” vote will amend the Missouri Constitution to disqualify any statewide elected official, member of the General Assembly or state judge from receiving any pension from the state of Missouri if such official is convicted of a felony which occurred while in office. These officials will also be disqualified from receiving a pension if they are removed from office for misconduct or after impeachment. These restrictions shall apply after January 1, 2007.

This Proposition further changes provisions relating to the Missouri Citizens’ Commission on Compensation for Elected Officials. The Constitution currently provides that every two years, a citizens commission determines the compensation for statewide elected officials, members of the General Assembly, and state judges based on their duties. The purpose of this commission is to ensure that the power to control the rate of compensation of elected officials is retained and exercised by Missouri taxpayers. This Proposition will prevent the General Assembly from changing the commission’s recommended compensation schedule for elected officials through the appropriation process. Instead, the General Assembly will only be allowed to disapprove the commission’s recommendations by a two-thirds majority vote. Members of the General Assembly cannot receive any compensation increase approved by the Citizens’ Commission until January 1, 2009.

A “**no**” vote would allow payment of a pension from the state of Missouri to any statewide elected official, legislator or state judge who is convicted of a felony occurring while they were in office or who were removed from office for misconduct or following impeachment. The compensation schedule of statewide elected officials, legislators and state judges determined every two years by the Citizens’ Commission would continue to be subject to change by the General Assembly through the appropriation process.

This measure will have no impact on taxes.

Proposition B—Minimum Wage

A “**yes**” vote will amend Missouri statutes to increase the state minimum wage rate to \$6.50 per hour, or to the level of the federal minimum wage, whichever is higher. Every year thereafter, the state minimum wage rate will be adjusted based on changes in the Consumer Price Index.

A “**no**” vote will not increase or set a state minimum wage rate.

This measure will have no impact on taxes.

Missouri Voter Information

Voting Instructions

- Show one of the forms of acceptable identification (see below) and sign the poll book to obtain your ballot.
- Mark your ballot *individually for each candidate* you choose – Missouri no longer allows the “straight party” ticket option.
- If you make an error that you are unable to correct *before* you cast your ballot, ask an election judge for a new ballot. Your old ballot will be “spoiled” and will not be counted.
- Ask the election judges if you have any questions or concerns.

Acceptable Forms of Voter Identification*

All voters, including first-time voters who registered by mail, will need to show **ONLY ONE** of the following forms of identification:

- Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- Identification issued by the United States government or agency thereof;
- Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- Driver’s license or state identification card issued by another state.

If you do not possess any of these forms of identification, you may still cast a ballot if two supervising election judges, one from each major political party, attest they know you.

**Pursuant to Section 115.427, RSMO Supp. 2006*

Voting Equipment

Know how to properly use your voting equipment and cast your ballot:

- Ask for a demonstration or assistance from an election judge if you need additional instructions.
- Read the instructions posted in your polling place.
- **Second Chance Voting:** If you accidentally over-mark your ballot (mark more candidates for a race than to be elected), you will have the opportunity to correct your ballot.

Change of Address

If you moved within this jurisdiction, you must update your registration. If you have not updated it prior to Election Day, you will be directed to your new polling place or a location designated by your election authority where you can update your registration records and vote.

Absentee Voting

You may vote absentee for the following reasons: absence on Election Day; incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability; religious belief or practice; employment as an election authority or an election judge at a location other than your polling place; or incarceration (provided voting rights are retained).

If you registered by mail and are voting absentee the first time you vote, you must provide a copy of acceptable identification with your application for an absentee ballot.

Accessible Voting

Ask for assistance from an election judge if you have any physical disability which hinders your ability to independently vote your ballot. You may cast your ballot on an accessible voting system (i.e. equipped with an audio ballot); request curbside voting; obtain assistance from a person of your choice; or ask for relocation to a more accessible polling location if needed due to a disability.

Protecting Your Right to Vote

Violating election laws can jeopardize your right to vote. The following actions are violations of election laws and are subject to fines and/or imprisonment and/or loss of your right to vote:

- Making or accepting bribes to influence voters to vote either for or against candidates or ballot measures.
- Using threats, violence or force to influence someone’s vote.
- Falsifying voter registration information.
- Voting more than one time at any election.
- Electioneering within twenty-five feet from the outside entrance of a polling location.

Provisional Voting

If your name is not on the precinct register (poll book), the following actions may be taken:

- Election judges will call the central election office to verify your registration. If you are at the wrong polling place, you will be directed to the correct location.
- If your registration cannot be confirmed after contacting the central election office, you can vote a provisional ballot, which will only be counted if you are later found to be an eligible voter at that polling place.

Election Facts

- **Polling Place Hours** – Polls are open from 6:00am to 7:00pm on Election Day.
- **Primaries** – August primary elections are for political parties to nominate their general election candidates. Missourians don’t register by party, but you must choose one party’s ballot when voting in a primary, or choose to vote an “issues only” ballot (which will not include ANY candidates).
- **General Elections** – General elections are those in which you elect candidates to offices. The general election is held on the first Tuesday after the first Monday in November.
- **Presidential Elections** – When you cast a vote for President and Vice-President, you are voting for presidential electors. The electors whose candidates get the most votes go on to cast their electoral votes through the Electoral College, which elects the President and Vice-President.

Make your vote count! Contact your local election authority if you have any questions about voting.

You have the right to expect a free and fair election. If you feel your voting rights have been violated, contact the Office of the Secretary of State at 800-NOW-VOTE.

This poster is in compliance with the Help America Vote Act of 2002 and Section 115.417, RSMo. 2005.

Voter's Bill of Rights

As a registered Missouri voter, you have the right to:

1. Cast your ballot free from interference in a private and secret manner unless assistance is requested;
2. View written instructions on how to obtain and cast a ballot;
3. Ask for and receive further instructions from election judges concerning the manner of voting;
4. View a sample ballot in the polling place before voting;
5. Cast a vote if you are in line at 7:00pm (closing time at the polls);
6. Ask for assistance from an election judge or person of your choice if you have any physical disability which hinders your ability to independently vote your ballot; cast your ballot on an accessible voting system (i.e. equipped with an audio ballot); or request curbside voting or a more accessible polling location if needed;
7. Receive another ballot if your ballot is accidentally spoiled or you make an error;
8. Vote by provisional ballot if your name is not on the precinct register and the election judges or election authority cannot determine your registration status;
9. Vote by absentee ballot as permitted by law;
10. Verify that the choices you made on the screen match the attached voter verifiable paper audit trail if you vote on a "touch screen" system and;
11. File a grievance with the Secretary of State's office if your rights under the Help America Vote Act, Title III, have been violated.

If you believe your voting rights have been violated, contact the Missouri Office of the Secretary of State at 800-669-8683 or the U.S. Department of Justice at 800-253-3931.

This poster is in compliance with the Help America Vote Act 2002 and Section 115.417, RSMo. (2005).

Missouri Voter ID Requirements

Registered Voters Will Need

ONLY ONE

of the Following Acceptable Forms of Identification
to Vote in the November 7th, 2006 General Election:



1



1



1



2



2



3



4



4



5

ACCEPTABLE FORMS OF IDENTIFICATION:

- 1 Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- 2 Identification issued by the United States government or agency thereof;
- 3 Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- 4 A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- 5 Driver's license or state identification card issued by another state.

If you do not possess any of these forms of identification, you may still cast a ballot if two supervising election judges, one from each major political party, attest they know you.

Don't Forget:

**Make a Mark by Each Candidate
You're Voting For.**

You can no longer use
the “straight party” ballot option
where one mark allowed you to
vote for all of the candidates
of one political party.

**Now, you must vote
for each candidate
of your choice *individually*.**

Ask a pollworker if you have
any questions or need assistance.

Make Your Vote Count!

Electioneering and Posting Signs in Polling Places

Section 115.637(18) RSMo of Missouri State Law prohibits, among other things, electioneering, distributing election literature, and posting signs with respect to any candidate or question to be voted on inside the building in which a polling place is located or within 25 feet of the building's outer door.

Violation of this law is a class 4 Election Offense, punishable by imprisonment of up to one year and/or a fine of up to \$2500.